

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

STRIKE 3 HOLDINGS, LLC,)	
)	
Plaintiff,)	Civil Case No. 2:20-cv-04113-JP
)	
v.)	Judge John R. Padova
)	
JOHN DOE subscriber assigned IP address)	
100.14.104.114,)	
)	
Defendant.)	
)	

**PLAINTIFF'S APPLICATION FOR EXTENSION OF TIME WITHIN WHICH TO
EFFECTUATE SERVICE ON JOHN DOE DEFENDANT**

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Strike 3 Holdings, LLC (“Plaintiff”), makes this application for entry of an order extending the time within which to effectuate service on John Doe Defendant, and states:

1. This is a copyright infringement case against a John Doe Defendant known to Plaintiff only by an IP address. Defendant’s true identity is known by their Internet service provider (“ISP”).
2. On September 2, 2020, Plaintiff filed a Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference (“Motion for Leave”) in order to serve a third-party subpoena on Defendant’s ISP. ECF No. 3.
3. On September 29, 2020, Plaintiff was granted leave to serve a third-party subpoena on Defendant’s ISP to obtain the Defendant’s identifying information. Plaintiff issued the subpoena on or about September 30, 2020 and expects to receive the ISP’s response on or about November 30, 2020.

4. Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff is required to effectuate service on the Defendant no later than November 19, 2020.

5. Accordingly, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended an additional sixty (60) days from November 30, 2020 (the date Plaintiff expects to receive the ISP response), to January 29, 2021. This extension should allow Plaintiff sufficient time to receive the ISP response, conduct a further investigation to assist in determining whether the individual identified by the ISP is the appropriate defendant for this action, and, if a good faith basis continues to exist, to proceed against that individual (or someone else), to amend the Complaint, and place the summons and Amended Complaint with the process server to attempt service of process.

6. This application is made in good faith and not for the purpose of undue delay.

7. This is Plaintiff's first request for an extension. None of the parties will be prejudiced by the granting of this extension.

WHEREFORE, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended until January 29, 2021. A proposed order is attached for the Court's convenience.

Dated: November 19, 2020

Respectfully submitted,

By: /s/ John C. Atkin
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CERTIFICATE OF SERVICE

Pursuant to Local Civil Rule 5.1.2(8)(b), I certify that on the date set forth below, I caused a copy of this motion and proposed order to be filed electronically and that they are available for viewing and downloading from the ECF system.

Dated: 11/19/2020

/s/ John C. Atkin, Esq.
John C. Atkin, Esq.